

VZCZCXYZ0002
OO RUEHWEB

DE RUEHC #0521 1622233
ZNR UUUUU ZZH
O 112210Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY SUVA IMMEDIATE 0000

UNCLAS STATE 060521

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [FJ](#)
SUBJECT: FIJI -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Fiji of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Fiji and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Fiji of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Fiji,s country narrative in the 2009 TIP Report:

Fiji (TIER 3)

Fiji is a source country for children trafficked for the purposes of labor and commercial sexual exploitation, and a destination country for women from the People,s Republic of China, Thailand, , and India trafficked for the purposes of commercial sexual exploitation. Some women from the P.R.C. and India who migrate voluntarily to Fiji for work have been in the past and may still be coerced into forced labor in sweatshops. Fijian boys and girls are subjected to commercial sexual exploitation by family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels. Staff at local hotels procure underage girls for commercial sexual exploitation by guests, while taxi drivers, nightclub staff, and relatives frequently act as facilitators. Some Fijian children are informally adopted - sent to live with and work for relatives or families living in or near schools) a tradition of child placement that sometimes leaves the child in an internal labor or sex trafficking situation.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking, and it is not making significant efforts to do so. Despite consistent and, reliable reports from NGOs, international organizations, foreign governments, and individuals about trafficking in Fiji, especially the wide-spread exploitation of children in the commercial sex trade, the government has demonstrated no action to investigate or prosecute traffickers, assist victims, or participate in public awareness campaigns to prevent trafficking.

Recommendations for Fiji: Develop a national action plan for combating trafficking in persons; collaborate with civil society and international organizations to combat the sex trafficking of children and train law enforcement officers on victim identification and protection; significantly improve the record of prosecutions, convictions, and sentencing of trafficking offenders; develop and institute a formal procedure to proactively identify victims of trafficking, especially among vulnerable groups such as homeless children and women or children found in prostitution; implement and support a visible anti-trafficking awareness campaign directed at clients of children in commercial sexual exploitation; and expand cooperation with international law enforcement entities to identify and prosecute Fijian residents, foreign visitors, and travel service providers involved in child sex trafficking and tourism.

Prosecution

The Government of Fiji demonstrated no significant efforts to combat trafficking in persons during the year. The government is limited in its ability to focus on combating trafficking in persons by an ongoing political and economic crisis; funding for police, immigration, and other institutions is generally inadequate. Fiji prohibits transnational sex and labor trafficking through its Immigration Act of 2003, which prescribes punishments that are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The Government of Fiji reported no arrests, prosecutions, or

convictions of trafficking offenders during the reporting period. The Immigration Directorate handed a fully-investigated case with elements of trafficking to the police for prosecution early in 2008. The police, however, did not advance the case to the prosecutor, and Immigration eventually deported the two suspected traffickers involved due to lack of detention funding. A Combined Law Agencies Group (CLAG) meets monthly to address law enforcement issues, including trafficking in persons. There is no evidence of government officials, complicity in trafficking.

Protection

The Government of Fiji did not demonstrate any significant efforts to protect victims of trafficking over the last year.

The Government of Fiji's law enforcement, immigration, and social service personnel had no formal system to proactively identify victims of trafficking among high-risk persons with whom they come in contact, and the government did not identify any trafficking victims during the year. The government has not developed or implemented a process to refer identified victims to institutions that could provide short- or long-term care. Due to severe resource constraints, the government relied on NGOs or international organizations to provide protective services to victims. One NGO sheltered a number of female trafficking victims and their children throughout the year. The Government of Fiji did not actively encourage victim participation in the investigation of traffickers or sex tourists. The Fijian anti-trafficking law includes provisions to ensure that victims of trafficking are not penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Government of Fiji demonstrated no meaningful efforts to raise awareness about trafficking during the year. There were no visible measures undertaken by the government to reduce the demand for commercial sex acts and the government did not support any anti-trafficking information or education campaigns during the reporting period. Fijian laws, including those pertaining to trafficking in persons and sexual assault, apply to Fijians deployed abroad as part of peacekeeping missions. The Republic of Fiji Military Forces provided anti-trafficking training for soldiers in advance of their being deployed abroad on international peacekeeping missions. Fiji has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the

number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Fiji again given a ranking of Tier 3?

A: The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Despite consistent, reliable reports from NGOs, international organizations, foreign governments, and individuals about trafficking in Fiji, especially the wide-spread exploitation of children in the commercial sex trade, the government has demonstrated no action to investigate or prosecute traffickers, assist victims, or participate in public awareness campaigns to prevent trafficking.

Q2: What is the nature of Fiji's trafficking problem?

1A. Fiji is a source country for children trafficked for the purposes of labor and commercial sexual exploitation, and a destination country for women from the People's Republic of China, Thailand, and India trafficked for the purposes of commercial sexual exploitation. Fijian boys and girls are victims of commercial sexual exploitation by family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels. Staff at local hotels procure underage girls for commercial sexual exploitation by guests, while taxi drivers, nightclub staff, and relatives frequently act as facilitators.

Q3: How can Fiji improve its anti-trafficking efforts?

A: The Government of Fiji could show progress by: developing a national action plan for combating TIP; continuing to collaborate with civil society and international organizations to combat the sex trafficking of children; training law enforcement officers on victim identification and protection; significantly improving the record of prosecutions, convictions, and sentencing of trafficking offenders; and expanding cooperation with international law enforcement entities to identify and prosecute Fijian residents, foreign visitors, and travel service providers involved in child sex trafficking and tourism.

12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON